

PATENT

HILB/723C1
Confirmation No. 5763**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (3 total pages) are being transmitted via facsimile transmission to Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-305-8007 on March 14, 2005.

Judith L. Volk
Judith L. Volk

March 14, 2005
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bradley Jade Dickey et al. Art Unit: 3621
Serial No.: 10/021,665 Examiner: Cristina O. Sherr
Filed: December 7, 2001 Atty. Docket No.: HILB/723C1
For: PET CARE PRODUCTS AND METHOD OF PROVIDING PET CARE
PRODUCTS, SERVICES AND INFORMATION

REQUEST FOR REFUND

Mail Stop 16
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is for the purpose of requesting a refund of \$120.00 for the inappropriate charges to Applicants' representative's Deposit Account 23-3000 on February 17, 2005 for a one-month extension of time fee levied in connection with Applicants' filing of a Response to Notice of Non-Compliant Amendment. This request is based upon the following:

Applicants timely filed an Amendment and Response on November 24, 2004 via facsimile transmission in response to the non-final Office Action mailed by the Office on August 25, 2004. Applicants received a Notice of Non-Compliant Amendment mailed by the Office on December 6, 2004 and timely filed a revised "Amendments to the Claims" section of the November 24, 2004 response via facsimile transmission on January 6, 2005.

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKE, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.
KRISTI L. DAVIDSON

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234
WEBSITE: www.whopatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1978
EDWARD B. EVANS 1938-1971

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

KATHRYN E. SMITH
P. ANDREW BLATT, Ph.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, Ph.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, Ph.D.
RANDALL S. JACKSON, JR.

OF COUNSEL
JOHN D. POFFENBERGER
THOMAS W. FLYNN
J. DWIGHT POFFENBERGER, JR.

March 14, 2005

FACSIMILE COVER SHEET

To: Mail Stop 16
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22213-1450

Fax: 703-305-8007

From: Douglas A. Scholer
Reg. No. 52,197

Re: U.S. Patent Application
Serial No. 10/021,665
Filed: December 7, 2001
Applicant: Bradley Dickey
Art Unit: 3621
Confirmation No.: 5763
Our Ref: HILB/723C1

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Request for Refund containing Certificate of
Facsimile Transmission (2 pages)

Pages: 3 (including cover sheet)

**MESSAGE/COMMENTS
OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (3 total pages, including cover sheet) are being transmitted via facsimile transmission to Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on March 14, 2005.

Judith L. Volk
Judith L. Volk

March 14, 2005
Date


The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

Applicants assert that, since the filing of the Response of January 6, 2005 was within the one-month period for response to the above-mentioned Notice of Non-Compliant Amendment, no extension of time fees should be due. Applicants therefore respectfully request a refund of the \$120.00 charged by the Office for one-month extension of time fees. The refund may be made either via check made payable to Applicants' representatives, or via a credit to Deposit Account 23-3000, whichever is most convenient for the Office.

If there are any questions regarding this paper, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

3/14/05
Date



Douglas A. Scholer
Reg. No. 52,197
WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513)241-2324

RECEIVED
CENTRAL FAX CENTER

JAN 06 2005

PATENT
Confirmation No. 5763

I hereby certify that this correspondence and the enclosures noted herein (10 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Christina O. Sherr, Group Art Unit 3621, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on January 6, 2005.

Judith L. Volk
Judith L. Volk

January 6, 2005
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bradley Jade Dickey et al.
Application No.: 10/021,665
Filed: December 7, 2001
Group Art Unit: 3621
Examiner: Christina O. Sherr
For: PET CARE PRODUCTS AND METHOD OF PROVIDING PET CARE
PRODUCTS, SERVICES AND INFORMATION
Atty Docket No.: HILB/723C1

Cincinnati, Ohio 45202

January 6, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

In response to the Notice of Non-Compliant Amendment mailed December 6, 2004, enclosed is a revised "Amendments to the Claims" section (pages 2-8) of the Amendment filed on November 24, 2004 to replace the one originally filed.

Applicants do not believe that any fees are due in connection with this

2/17/2005 LLITTLE 00000005 233000 10021665
response. However, if such petition is due or any fees are necessary, the Commissioner may
1 FC:1251 120.00 DA

Adjustment Date: 04/20/2005 SDIRETA1
02/17/2005 LLITTLE 00000005 233000 10021665
01 FC:1251 120.00 CR

Page 1 of 2